2009 DRAFTING REQUEST

Bill

Received: 12/29/2009					Received By: rkite			
Wanted: As time permits For: Pat Kreitlow (608) 266-7511				Identical to LRB: By/Representing: Matt Pagel				
								This file
May Co	ntact:							
Subject:	Subject: Nat. Res wet/shore/flood				Extra Copies:			
Submit	via email: YES							
Request	er's email:	Sen.Kreitle						
Carbon	copy (CC:) to:							
Pre To	pic:	······································						
No spec	ific pre topic gi	ven						
Topic:								
Wetland	ls notices and e	valuations				,		
Instruc	tions:							
See atta	ched; same as 2	007 SB 553 inc	corporating	SA 1				
Draftin	g History:							
Vers.	Drafted	Reviewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	rkite 01/07/2010	jdyer 01/12/2010					S&L	
/1			phenry 01/13/20	10	lparisi 01/13/2010	lparisi 02/22/2010		
FE Sent	For: a intro	, 2/24/10		<end></end>				

<END>

2009 DRAFTING REQUEST

Bill

Received: 12/29/2009					Received By: rkite			
Wanted: As time permits For: Pat Kreitlow (608) 266-7511				Identical to LRB: By/Representing: Matt Pagel				
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May Con	tact:							
Subject:	Subject: Nat. Res wet/shore/flood				Extra Copies:			
Submit v	ia email: YES							
Requeste	r's email:	Sen.Kreitle	ow@legis.w	visconsin.gov	,			
Carbon co	opy (CC:) to:							
Pre Topi	ic:						* k. * * ******************************	
No specif	fic pre topic gi	ven						
Topic:								
Wetlands	notices and e	valuations						
Instructi	ions:				Action to the second se			
See attacl	hed; same as 2	007 SB 553 inc	corporating	SA 1				
Drafting	History:							
Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required	
/?	rkite 01/07/2010	jdyer 01/12/2010					S&L	
/1			phenry 01/13/20	10	lparisi 01/13/2010			
FE Sent I	For:							

<END>

2009 DRAFTING REQUEST

Bill

Received: 12/29/2009 Received By: rkite

Wanted: As time permits Identical to LRB:

For: Pat Kreitlow (608) 266-7511 By/Representing: Matt Pagel

This file may be shown to any legislator: NO Drafter: rkite

May Contact: Addl. Drafters:

Extra Copies: MES Subject: Nat. Res. - wet/shore/flood

Submit via email: YES

Requester's email: Sen.Kreitlow@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wetlands notices and evaluations

Instructions:

See attached; same as 2007 SB 553 incorporating SA 1

Drafting History:

Vers.

Drafted

rkite

Reviewed

Typed

Jacketed

Required

/?

FE Sent For:

Kite, Robin

From:

Bier, Beth

Sent:

Monday, December 28, 2009 6:38 PM

To:

Kite. Robin

Subject:

RE: wetlands draft

Yes, that's it. Thanks!

----Original Message----

From: Kite, Robin

Sent: Mon 12/28/2009 1:39 PM

To: Bier, Beth

Subject: RE: wetlands draft

Beth,

I just want to make sure that you are referring to 2007 Senate Bill 553. Am I correct?

Robin

From: Bier, Beth

Sent: Monday, December 28, 2009 10:23 AM

To: Kite, Robin

Cc: Pagel, Matt; Nowlan, Andrew

Subject: wetlands draft

Hi Robin,

Could you do a draft of the wetlands legislation from last session in the form that it passed the Senate? Sen. Kreitlow is going to take over as lead author in the Senate, Rep. Bies will remain the lead in the Assembly. If you could send the draft to their offices, that would be great. Let me know any questions.

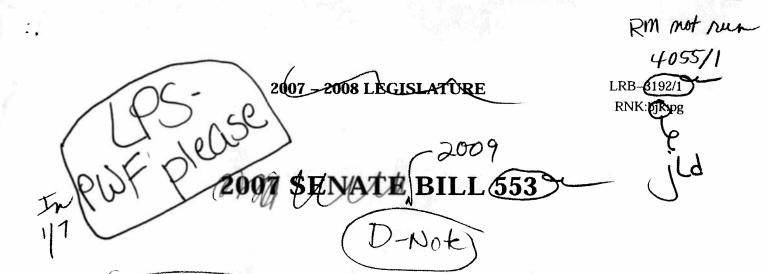
Thanks,

Beth

Beth Bier Office of Senator Mark Miller PO Box 7882 Madison, WI 53707

Phone: (608) 266-9170

Email: Beth.Bier@legis.wisconsin.gov



February 29, 2008 – Introduced by Senators Miller, Wirch, Cowles, Robson, A. Lasee, Risser and Lehman, cosponsored by Representatives Bies, Hebl., A. Ott, Townsend, Owens and Soletski. Referred to Committee on Environment and Natural Resources.

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AN ACT to amend 20.370 (4) (bi); and to create 23.321, 23.323, 59.691, 60.625,

61.352, 62.232 and 101.02 (23) of the statutes; **relating to:** notices concerning construction near or on lakes, streams, or wetlands that are given to applicants for building permits and other construction approvals, requiring the Department of Natural Resources to furnish informational brochures about wetlands laws, requiring the Department of Natural Resources to provide evaluations and statements about whether certain land contains wetlands, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources (DNR) to provide certain services relating to wetlands to persons who own or lease land. Under the bill, a wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. The bill requires DNR to provide, for a fee, a wetland map review, a wetland identification, or a wetland confirmation upon request by a person who owns or leases land.

Under the bill, a wetland map review consists of a written evaluation, based upon a review of wetland maps prepared by DNR or other information available to

insert 22-

LRB-3192/1 RNK:bjk:pg

DNR, of whether a parcel of land is likely to contain a wetland. A wetland identification consists of a written evaluation, based upon an on-site inspection of the land by DNR, of whether a parcel of land contains a wetland. A wetland confirmation consists of a written statement, based upon an on-site inspection of the land by DNR, of whether DNR concurs with the boundaries of a wetland as delineated by a graperson. The bill establishes deadlines under which DNR must provide these services after a person files a request for the service. The bill specifies that if adverse weather conditions prevent DNR from conducting an accurate on-site inspection for a wetland identification or a wetland confirmation, DNR may provide the service as soon as possible after a conditions allow DNR to conduct an accurate on-site inspection.

The bill also requires that each county, city, village, and town (municipality) that issues a building permit or other approval for construction activity must give the applicant a written notice that contains information about construction near or on wetlands including a statement that advises the applicant that the applicant is responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. The bill requires the Department of Commerce (Commerce) to include this notice on every standard building permit form that it prescribes. The bill provides that a municipality is not required to give the notice if it issues a building permit on a standard building permit form prescribed by Commerce. If the municipality is required to give the notice, the bill provides that the municipality must require the applicant for the building permit to sign a statement acknowledging that the person has received the notice.

The bill also requires DNR to furnish an informational brochure to municipalities for distribution to the public that describes the laws that apply to wetlands.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 20.370 (4) (bi) of the statutes is amended to read:

20.370 **(4)** (bi) Water regulation and zoning — fees. From the general fund, all

moneys received under ss. 23.32 (3), 23.321, 30.28, 31.39 and 281.22 for activities

relating to permits and approvals issued under chs. 30 and 31, water quality

standards under subch. II of ch. 281 and for wetland mapping under s. 23.32 and

wetlands services under s. 23.321

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Section 2. 23.321 of the statutes is created to read:

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1	23.321 Wetland map review, identification, and confirmation. (1) In
2	this section, "wetland" has the meaning given in s. 23.32 (1).
3	(2) Any person who owns or leases land may request that the department
4	provide any of the following services for the fee specified in sub. (3):
5	(a) A wetland map review that consists of a written evaluation, based upon a
6	review of wetland maps prepared by the department under s. 23.32 or other
7	information available to the department, of whether a parcel of land is likely to
8	contain a wetland. The evaluation shall describe the method used by the department
9	to review the wetland maps.
10	(b) A wetland identification that consists of a written evaluation, based upon
11	an on-site inspection of the land by the department, of whether a parcel of land
12	contains a wetland. The department shall provide a wetland identification only for
13	a parcel of land, or a part of a parcel of land, that does not exceed 5 acres.
14	(c) A wetland confirmation that consists of a written statement, based upon an
15	on-site inspection of the land by the department, of whether the department concurs
16	with the boundaries of a wetland as delineated by a 3rd person.
17	(3) The department shall charge the following fee for services provided under
18	sub. (2):
19	(a) For a wetland map review under sub. (2) (a), \$50.
20	(b) For a wetland identification under sub. (2) (b), \$300 for each acre inspected
21	by the department.
22	(c) For a wetland confirmation under sub. (2) (c), \$300 for each 20 acres
23	inspected by the department.
24	(4) (a) Except as provided under par. (b), the department shall do all of the
25	following:

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review.\	
request	, in the manner and form required by the department, for a wetland map
1.	Provide a wetland map review not later than 15 days after a person files a

- 2. Provide a wetland identification not later than 30 days after a person files a request, in the manner and form required by the department, for a wetland identification.
- 3. Provide a wetland confirmation not later than 30 days after a person files a request, in the manner and form required by the department, for a wetland confirmation.
- (b) If adverse weather conditions prevent the department from conducting an accurate on–site inspection under sub. (2) (b) or (c) in sufficient time to comply with the deadline under par. (a), the department shall provide a wetland identification under sub. (2) (b) or a wetland confirmation under sub. (2) (c) as soon as possible after weather conditions allow the department to conduct an accurate on–site inspection. Within 30 days after determining that adverse weather conditions will prevent the department from complying with the deadline under par. (a), the department shall give notice to the person requesting the wetland identification or wetland confirmation that adverse weather conditions will prevent the department from complying with the deadline and giving notice to the person that the department will provide the wetland identification or wetland confirmation as soon as possible after weather conditions allow the department to conduct an accurate on–site inspection.

 Section 3. 23.323 of the statutes is created to read:
- **23.323 Wetlands informational brochure.** The department shall furnish an informational brochure to cities, villages, towns, and counties for distribution to the public that describes the laws that apply to wetlands.

, or other conditions at the site,

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1	SECTION 4.	59.691 of the statutes is created to read:

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3 "wetland" has the meaning given in s. 23.32 (1).

(2) (a) Except as provided in par. (b), a county that issues a building permit or other approval for construction activity, shall give the applicant a written notice as specified in subs. (3) and (4) at the time the building permit is issued.

59.691 Required notice on certain approvals. (1) In this section,

- (b) 1. A county is not required to give the notice under par. (a) at the time that it issues a building permit if the county issues the building permit on a standard building permit form prescribed by the department of commerce.
- 2. A county is not required to give the notice under par. (a) at the time that it issues a building permit or other approval if the building permit or other approval is for construction activity that does not involve any land disturbing activity including removing protective ground cover or vegetation, or excavating, filling, covering, or grading land.
- Each notice shall contain the following language: **(3)** "YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT THE **DEPARTMENT** OF NATURAL RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER."

"YOU ARE

SENATE BILL 553

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(3)

1	(4) The notice required in sub. (2) (a) shall contain the electronic Web site
2	address that gives the recipient of the notice direct contact with that Web site.
3	(5) A county in issuing a notice under this section shall require that the
4	applicant for the building permit sign a statement acknowledging that the person
5	has received the notice.
6	Section 5. 60.625 of the statutes is created to read:
7	60.625 Required notice on certain approvals. (1) In this section,
8	"wetland" has the meaning given in s. 23.32 (1).
9	(2) (a) Except as provided in par. (b), a town that issues a building permit or
10	other approval for construction activity, shall give the applicant a written notice as
11	specified in subs. (3) and (4) at the time the building permit is issued.
12	(b) 1. A town is not required to give the notice under par. (a) at the time that
13	it issues a building permit if the county issues the building permit on a standard
14	building permit form prescribed by the department of commerce.
15	2. A town is not required to give the notice under par. (a) at the time that it
16	issues a building permit or other approval if the building permit or other approval
17	is for construction activity that does not involve any land disturbing activity
18	including removing protective ground cover or vegetation, or excavating, filling,
19	covering, or grading land. ✓

Each notice shall contain the following language:

RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS

CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND

STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER

CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN

REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE

1	LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT				
2	THE DEPARTMENT OF NATURAL RESOURCES WETLANDS				
3	IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL				
4	RESOURCES SERVICE CENTER."				
5	(4) The notice required in sub. (2) (a) shall contain the electronic Web site				
6	address that gives the recipient of the notice direct contact with that Web site.				
7	(5) A town in issuing a notice under this section shall require that the applicant				
8	for the building permit sign a statement acknowledging that the person has received				
9	the notice.				
10	SECTION 6. 61.352 of the statutes is created to read:				
11	61.352 Required notice on certain approvals. (1) In this section,				
12	"wetland" has the meaning given in s. 23.32 (1).				
13	(2) (a) Except as provided in par. (b), a village that issues a building permit or				
14	other approval for construction activity, shall give the applicant a written notice as				
15	specified in subs. (3) and (4) at the time the building permit is issued.				
16	(b) 1. A village is not required to give the notice under par. (a) at the time that				
17	it issues a building permit if the county issues the building permit on a standard				
18	building permit form prescribed by the department of commerce.				
19	2. A village is not required to give the notice under par. (a) at the time that it				
20	issues a building permit or other approval if the building permit or other approval				
21	is for construction activity that does not involve any land disturbing activity				
22	including removing protective ground cover or vegetation, or excavating, filling,				
23	covering, or grading land.				
24	(3) Each notice shall contain the following language: YOU ARE				
25	RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS				

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1	CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
2	STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
3	CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN
4	REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE
5	LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT
6	THE DEPARTMENT OF NATURAL RESOURCES WETLANDS
7	IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL
8	RESOURCES SERVICE CENTER."
9	(4) The notice required in sub. (2) (a) shall contain the electronic Web site
10	address that gives the recipient of the notice direct contact with that Web site.
11	(5) A village in issuing a notice under this section shall require that the
12	applicant for the building permit sign a statement acknowledging that the person
	,
13	has received the notice.
13 14	has received the notice. SECTION 7. 62.232 of the statutes is created to read:
	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section,
14	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section, "wetland" has the meaning given in s. 23.32 (1).
14 15	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section,
14 15 16	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section, "wetland" has the meaning given in s. 23.32 (1). (2) (a) Except as provided in par. (b), a city that issues a building permit or other approval for construction activity, shall give the applicant a written notice as
14151617	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section, "wetland" has the meaning given in s. 23.32 (1). (2) (a) Except as provided in par. (b), a city that issues a building permit or other approval for construction activity, shall give the applicant a written notice as specified in subs. (3) and (4) at the time the building permit is issued.
14 15 16 17	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section, "wetland" has the meaning given in s. 23.32 (1). (2) (a) Except as provided in par. (b), a city that issues a building permit or other approval for construction activity, shall give the applicant a written notice as
14 15 16 17 18	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section, "wetland" has the meaning given in s. 23.32 (1). (2) (a) Except as provided in par. (b), a city that issues a building permit or other approval for construction activity, shall give the applicant a written notice as specified in subs. (3) and (4) at the time the building permit is issued. (b) 1. A city is not required to give the notice under par. (a) at the time that it issues a building permit if the county issues the building permit on a standard
14 15 16 17 18 19	SECTION 7. 62.232 of the statutes is created to read: 62.232 Required notice on certain approvals. (1) In this section, "wetland" has the meaning given in s. 23.32 (1). (2) (a) Except as provided in par. (b), a city that issues a building permit or other approval for construction activity, shall give the applicant a written notice as specified in subs. (3) and (4) at the time the building permit is issued. (b) 1. A city is not required to give the notice under par. (a) at the time that it

a building permit or other approval if the building permit or other approval is for

construction activity that does not involve any land disturbing activity including

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1	removing protective ground cover or vegetation, or excavating, filling, coveri	ng, or
2	grading land.	

- Each notice shall contain the following language: "YOU ARE **(3)** RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. $^{\checkmark}$ WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION. VISIT THE **DEPARTMENT** OF **NATURAL RESOURCES WETLANDS** IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER."
- (4) The notice required in sub. (2) (a) shall contain the electronic Web site address that gives the recipient of the notice direct contact with that Web site.
- (5) A city in issuing a notice under this section shall require that the applicant for the building permit sign a statement acknowledging that the person has received the notice.

SECTION 8. 101.02 (23) of the statutes is created to read:

101.02 (23) The department shall include the following language on every standard building permit form prescribed by the department under this chapter: "YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT

- 1 VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE
- 2 INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
- 3 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
- 4 NATURAL RESOURCES SERVICE CENTER."

SECTION 9. Nonstatutory provisions.

(1) Position authorizations. The authorized FTE positions for the department of natural resources are increased by 3.0 PR project positions for the period ending on June 30, 2012 and 1.0 PR position, to be funded from the appropriation under section 20.370 (4) (bi) of the statutes, for the purpose of providing wetland map review, identification, and confirmation services under section 23.321 of the statutes, as created by this act.

SECTION 10. Initial applicability.

(1) BUILDING PERMITS. The treatment of section 59.691, 60.625, 61.352, and 62.232 of the statutes first applies to applications for building permits that are submitted on the effective date of this subsection.

Section 11. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)

d-note

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2009-2010 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

averland

LRB-4055/1ins. RNK:...:...

INSERT ANALYSIS

five

The bill provides that if DNR furnishes a wetland identification or confirmation, that identification or confirmation is effective for a period of Syears. The bill requires DNR to negotiate with the U.S. Army Corps of Engineers (Corps of Engineers) to enter into a memorandum of agreement that provides that the Corps of Engineers will concur with any written evaluation by DNR of whether a parcel of land contains a wetland for purposes of a wetland identification. The bill also specifies that DNR may not provide a wetland identification before the date on which it enters into such a memorandum with the Corps of Engineers.

(end ins)



TO 2007 SENATE BILL 553

INSERTS

March 10, 2008 Offered by Senator MILLER.

Insert 3-13

At the locations indicated, amend the bill as follows:

1. Page 3. line 13. after "acres." Insert The department may not provide a wetland identification under this paragraph before the date on which it enters into a memorandum of agreement with the U.S. Army Corps of Engineers as specified in

sub. (2m). 1 5

> 2. Page 3, line 16: after "person," insert The delineation prepared by the 3rd person shall include the exact location and boundaries of the wetland. If the department concurs with the boundaries of a wetland delineated by a 3rd person, the department's statement under this paragraph shall also include the exact location and boundaries of the wetland.

3. Page 3, line 16: after that line insert:

 $\mathcal{Y}(2m)$ The department shall negotiate with the U.S. Army Corps of Engineers to enter into a memorandum of agreement that provides that the U.S. Army Corps

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1	of Engineers will concur with any written evaluation by the department of whether						
(2)	a parcel of land contains a wetland under sub. (2) (b). (end ins)	/					
3	4. Page 4, line 10: after "conditions" insert ", or other conditions at the site,".						
4	5. Page 4, line 14: after "conditions" insert ", or other conditions at the site,".						
5	6. Page 4, line 15: after "conditions" insert ", or other conditions at the site,".						
6	7. Page 4, line 18: after "conditions" insert ", or other conditions at the site,".						
7	8. Page 4 line 21: after "conditions" insert ", or other conditions at the site,".						
8	9. Page 4, line 21: after that line insert:						
9	(5) A wetland identification provided by the department under sub. (2) (b) and	S. A.					
10	a wetland confirmation provided by the department under sub. (2) (c) remain						
11	effective for 5 years from the date provided by the department.						
12	(6) If the department determines under this section that a parcel of land is						
13	likely to or does contain a wetland, or that it concurs with the boundaries of a wetland						
14	as delineated by a 3rd person, the department shall include this information on	,					
15	wetland maps prepared under s. 23.32.						
16	(DEN) BOX						

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

RNK:**∧**:...

LRB-4055/1dn

date

As requested, this draft is a redraft of 2007 Senate Bill 553 and incorporates Senate Amendment 1 to that bill. One of the provisions in that amendment provides that a wetland identification or confirmation is "effective for 5 years" from the date it is given by the Department of Natural Resources. This draft, which includes this effective date language, does not specify for what purpose the identification or confirmation will remain in effect. What happens after the expiration of the byear period? What happens if the boundary of a wetland changes during the byear period? Do you want this version of the draft to address these issues?

Also, please note that I advanced the ending date by Eyears for the project positions authorized in the nonstatutory provision in the draft. Is this consistent with your intent?

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite Legislative Attorney Phone: (608) 266-7291

E-mail: robin.kite@legis.wisconsin.gov



DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-4055/1dn RNK:jld:ph

January 13, 2010

As requested, this draft is a redraft of 2007 Senate Bill 553 and incorporates Senate Amendment 1 to that bill. One of the provisions in that amendment provides that a wetland identification or confirmation is "effective for 5 years" from the date it is given by the Department of Natural Resources. This draft, which includes this effective date language, does not specify for what purpose the identification or confirmation will remain in effect. What happens after the expiration of the five-year period? What happens if the boundary of a wetland changes during the five-year period? Do you want this version of the draft to address these issues?

Also, please note that I advanced the ending date by two years for the project positions authorized in the nonstatutory provision in the draft. Is this consistent with your intent?

Please feel free to contact me if you have any questions with regard to this draft.

Robin N. Kite Legislative Attorney Phone: (608) 266-7291

E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From:

Saxler, Charles

Sent:

Wednesday, January 13, 2010 4:13 PM

To:

Kite, Robin

Subject:

Drafters Note-LRB-4055

Hi Robin-

I got your drafters note on the wetland bill. We're fine leaving it open ended regarding the 5 year period, so that can remain for now, same with the project provisions.

Thanks, Charlie

Charles Saxler
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
Phone: 608-266-7511 or 888-437-9436
charles.saxler@legis.wisconsin.gov

Parisi, Lori

From:

Sent:

To:

Subject:

Saxler, Charles Monday, February 22, 2010 10:22 AM LRB.Legal Draft Review: LRB 09-4055/1 Topic: Wetlands notices and evaluations

Please Jacket LRB 09-4055/1 for the SENATE.